

FORM PTO-1390  
(REV. 01-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

P/4043-153

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/511822

INTERNATIONAL APPLICATION NO.

PCT/ES02/00194

INTERNATIONAL FILING DATE

19 April 2002

PRIORITY DATE CLAIMED

19 April 2002

TITLE OF INVENTION Polymorph of 4-[2-[1(2-ethoxyethyl)-1H-benzimidazole-2-yl]-1-piperidinyl]-aa-dimethyl-benzoacetic acid

APPLICANT(S) FOR DO/EO/US

Aurelio ORJALES VENERO et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance
18. ☐ A second copy of the published international application under
19. ☐ A second copy of the English language translation of the intern
20. ☒ Other items or information:
  - 3 sheets of drawings.
  - Post card. Print EFS form.

## EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label EV 342535733US in an envelope addressed to: Mail Stop: Box PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 19, 2004

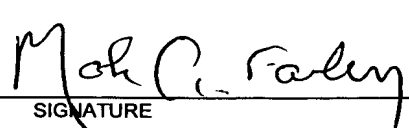
DOROTHY JENKINS

Name of Person Mailing Correspondence



October 19, 2004

Date of Signature

<b>U.S. APPLICATION NO. (if known, see 37 CFR 1.5)</b> <b>10/511822</b>		<b>INTERNATIONAL APPLICATION NO.</b> <b>PCT/ES02/ 00194</b>		<b>ATTORNEY'S DOCKET NUMBER</b> <b>P/4043-153</b>			
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1110.00</b> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$950.00</b> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$790.00</b> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$750.00</b> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b> <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS</b>		<b>PTO USE ONLY</b>	
				<b>\$ 1110.00</b>			
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$			
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>	\$			
Total claims	18 - 20 =	0	X <b>\$18.00</b>	\$			
Independent claims	1 - 3 =	0	X <b>\$88.00</b>	\$			
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ <b>\$300.00</b>	\$			
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 1110.00</b>			
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$			
<b>SUBTOTAL =</b>				<b>\$ 555.00</b>			
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+		\$	
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 555.00</b>			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property				+		\$	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 555.00</b>			
				<b>Amount to be refunded:</b>		\$	
				<b>Amount to be charged:</b>		\$	
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>555.00</u> to cover the above fees is enclosed. <b>Check No. 18427</b> b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0700</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.							
<b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</b>  <b>SEND ALL CORRESPONDENCE TO:</b> <b>OSTROLENK, FABER, GERB &amp; SOFFEN, LLP</b> <b>1180 Avenue of the Americas</b> <b>New York, NY 10036-8403</b>  <b>Tel: (212) 382 0700</b>							
				 SIGNATURE <b>Mark A. Farley</b> NAME <b>33,170</b> REGISTRATION NUMBER			



10/511822

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)			DELIVERY (POSTAL USE ONLY)		
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Date In		Postage	Mo. Day		
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	\$	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time In	Military	Return Receipt Fee	Mo. Day		
<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day		Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee	Mo. Day		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Corporate Acct. No. <b>X098096</b>			NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday Customer Signature _____		
<b>FROM: (PLEASE PRINT)</b> <b>Mark A. Farley</b> <b>OSTROLENK, FABER, GERB &amp; SOFFEN</b> <b>1180 AVENUE OF THE AMERICAS</b> <b>FL 7</b> <b>NEW YORK NY 10036-8443</b>  <b>P/4043-153</b> <b>October 19, 2004</b>			<b>TO: (PLEASE PRINT)</b> <b>MAIL STOP PCT</b> <b>COMMISSIONER FOR PATENTS</b> <b>PO BOX 1450</b> <b>ALEXANDRIA VA 22313-1450</b>		

Ostrolenk, Faber, Gerb &amp; Soffen, LLP

1180 Avenue of the Americas  
New York, N.Y. 10036

18427

10/18/2004

1-2-210

Y TO THE  
ORDER OF

COMMISSIONER OF PATENTS AND TRADEMARKS

\$ 555

555 0000 0000

DOLLARS

THE CHASE MANHATTAN BANK

401 MADISON AVENUE  
NEW YORK, NY 10017OSTROLENK, FABER, GERB & SOFFEN, LLP  
NOT VALID OVER \$5,000.00

ARGE ANY ADD'L FEES TO DEPOSIT ACCT: #15-0700

LOCATION S/N  
ENT NO.

018427 021000021134726650

Serial No. PCT/ES02/00194 Filing Date \_\_\_\_\_ OFGS File No. P/4043-153

Title Polymorph of 4-[2-[1(2-ethoxyethyl)-1H-benzidim

First Inventor Aurelio ORJALES VENERO Date \_\_\_\_\_

The PTO has received: \_\_\_\_\_ Last Due Date: Oct. 19, 2004

☒ Patent Application of \_\_\_\_\_  
 Pages (including claims & abstract)  
☐ Declaration or ☐ Designation Sheet  
☒ Drawings 3 Sheet(s)/Figs. 1 to 3  
☐ Priority Document  
☒ Small Entity Reduction  
☐ Assignment & Conveyance Cover Sheet  
☐ Information Disclosure Statement  
☐ PTO-1449  
☐ Amendment  
☐ Affidavit or Declaration  
☒ English translation.

☒ Check No. 18427 for \$ 555.  
 Atty/Secy MAF:sjw

☐ TM Application ☐ ITU Basis  
☐ Statement of Use  
☐ Extension of Time  
☐ Notice of Appeal  
☐ Brief  
☐ Petition  
☐ Status Request  
☐ Issue Fee  
☐ Certificate of Mailing  
☒ Express Mail No. EV342535733US

PTO STAMP